

REMARKS

This application has been reviewed in light of the Non-Final Office Action dated September 16, 2009 (hereinafter referred to as the “Office Action”). Following entry of this paper, Claims 1-5, 7-16, and 18-23 are pending in the present application, with Claims 1, 12, and 23 in independent form. Claims 1-3, 7, 10-14, 18, 21, and 23 are amended herein in view of the 35 U.S.C. §101 objection and 35 U.S.C. §112 rejections set forth in the Office Action. Support for these amendments may be found in the present application at least in paragraphs [0002]-[0005], [0016]-[0018], [0020], and Figure 2. (Applicants’ Published Appl. No. US 2005/0131804). No new matter is added by these amendments. Claims 6 and 17 are cancelled. In view of the aforementioned amendments and remarks set forth below, Applicants respectfully request allowance of Claims 1-5, 7-16, and 18-23.

The 35 U.S.C. §101 Objection and the §112 Rejection

The Office Action sets forth only a 35 U.S.C. §101 objection to Claims 1-11 and a 35 U.S.C. §112, Second Paragraph, rejection of Claims 1-23. The Office Action does not include any prior art based rejections of the presently pending claims. As such, as suggested by Examiner Vizvary, Applicants submitted a proposed amendment to the claims to address the §101 and §112 issues. A follow up telephone conference was held on November 4, 2009 to discuss the proposed amendments in greater detail (herein referred to as the “Examiner Interview”).

Applicants’ undersigned attorney wishes to thank Examiner Vizvary and Examiner Dixon for their feedback and comments during the Examiner Interview. As discussed during the Examiner Interview, it is believed that the presently pending claims will be in condition for allowance once the outstanding §101 and §112 rejections are overcome, in that the prior art of record

fails to teach or suggest at least the 'allocating' feature of the claimed invention. Furthermore, during the Examiner Interview, the Examiners indicated that the proposed amendments, presented formally herein, overcome the presently pending §112 rejection.

In view of the amendments presented herein and based on the discussion during the Examiner Interview, Applicants respectfully request reconsideration and withdrawal of the pending §101 objection and §112 rejections. Accordingly, Applicants submit that Claims 1-5, 7-16, and 18-23 are in condition for allowance. In the event that any issues remain following entry of this Response, Applicants' attorney respectfully invites the Examiner to contact the undersigned at (973) 422-6422. Applicants ask that all correspondence related to this matter continue to be directed to the address provided.

Respectfully submitted,

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